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March 12, 2002

Magalie Romas Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-204B
Washington, D.C 20554

Dear Secretary Salas:

Subject: Petition for Rulemaking

Enclosed please find our Petition for Rulemaking in the matter of amending Part 11 of the Commission's rules regarding the Emergency Alert System. Under the instructions of Subpart C -- Rulemaking Proceedings, we are submitting an original and four copies. If more copies are required, please advise us.

Sincerely,

Kenneth D. Lawson
Enclosures (5)

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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part II of the Commissions Rules)
Regarding the Emergency Alert System)

PETITION FOR RULEMAKING

March 13, 2002

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I. SUMMARY

The Petition requests that a "Plan A" EAS decoder-only criteria be authorized for a "Pass-through" model that allows small cable systems to decode all EAS messages from a common EAS channel for the sole purpose to switch all channels that do not already provide EAS to a channel that does. The objective is to provide full audio

and video EAS information on all channels at a cost that takes full advantage of the FCC decoder-only authorization.

It is proposed that these EAS services adhere to existing standards of message priorities and data validity, and with capabilities for equipment readiness. The pass-through decoder-only does not incorporate functions otherwise needed for independently receiving, storing, originating and displaying EAS messages, as contemplated in Paragraph 7, A of the EAS Second Report and Order.

The proposal is based upon the intent of the FCC EAS "Plan A" Option to allow cable systems to pass through EAS bulletins on channels that already carry EAS in their programming, and upon existing practices in small city hubs of large cable systems to switch channels that do not carry EAS to a common channel that does.

The Plan A EAS switch controller can be applied also to low power television and FM radio stations. It can expand the base of EAS by thousands of small radio, television and cable television systems that are outside the economic range for full EAS on-site reception, programming and display.

II. DISCUSSION

1.1 Introduction.

Decoder-only authorization. Action of the Commission on February 22, 2002 by Report and Order (FCC 02-64) authorizes cable and wireless cable systems serving fewer than 5,000 subscribers to install an FCC-certified EAS decoder-only, rather than both an encoder and decoder, if certified decoders become available by October 1, 2002. We request that the criteria for EAS decoder-only equipment include a model that will only "pass-through" the full EAS audio and video bulletin by switching all channels that do not carry EAS in their programming to a channel that does. This will permit maximum economies to be realized in delivering the highest quality EAS format on all channels to very small cable systems and low power television and radio stations.

Decoder for "pass-through" EAS service. This Petition requests that EAS decoder-only certification allow "pass-through" EAS service in the spirit of the EAS Plan A Option in Paragraph 7 of the Second Report and Order. Plan A allows cable systems to pass through EAS national level bulletins and Weekly and Monthly Tests if they are provided in the programs of channels carried, without installing EAS equipment. Only a portion of the channels carried on a cable system, however, contain EAS bulletins in their programming -- broadcast television stations. We propose that a decoder-only version for Plan A cable systems contain only those functions that enable channels that do not provide EAS in their programming to switch to one that does.

Limited but necessary decoder functions. The EAS "pass-through" decoder mode is defined as using an EAS decoder-only to detect any EAS message transmitted by an EAS certified encoder/decoder as carried in a program channel, and automatically switch all necessary channels to this common EAS message during the bulletin. The decoder must follow the Commission rules for EAN default and message validity. It must have sufficient capabilities for insuring equipment operational readiness, system reset and program data retention for the limited functions. The proposed criteria for the Plan A limited function decoder-only unit is outlined in Section 2.1 of this Petition, "Technical Information.".

The proposed "Plan A" decoder-only does not incorporate all of the functions otherwise required for independently receiving, programming, storing, originating and displaying EAS programs. All National Level Messages, Monthly and Weekly Tests and voluntary EAS bulletins are originated from the EAS encoder/decoder at the common channel source and passed through at the cable system by switching to this full EAS audio and video format on all necessary channels.

Maximum impact on EAS cost and operation. The Plan A EAS pass-through method allows the largest possible impact on cost reduction. The Plan A decoder is a switch controller only. The functions of multiple receivers, decoder programming, audio and text storage, audio and video text display, hard copy printer logging, and multiple communications ports are not required for the pass-through function.

The Plan A decoder/switch-controller provides the simplest possible EAS installation and operating routines in addition to the lowest possible cost.

1.2 Plan "A" EAS Option.

The need for such an economical but full audio/video EAS option is embodied in Paragraph 7 of the Second Report and Order, and in current practices at small city hubs of existing cable systems.

Limited Plan A requirements. Paragraph 7 of the Second Report and Order requires all wired cable systems that service fewer than 5,000 subscribers either "(A) Provide the national level EAS message on all programmed channels – including the required testing – or (B) install EAS equipment and provide a video interrupt and audio alert on all programmed channels and video and audio on one channel by October 1, 2002." For Plan A, Paragraph 21 states that the cable system will comply if it provides only programming that itself carries these messages. Since the only cable channels that carry EAS are broadcast television stations, we propose that the balance of cable channels be allowed to switch to a cable or broadcast station channel that already carries EAS in its programming.

Avoid Plan B. A major benefit of this simplified EAS switching approach is that it avoids the added costs and significant disruption and confusion generated by the full decoder programming of the "Plan B" option. Plan B requires blank video to be flashed on all channels without any all-channel text advisory, and requires the hard

of hearing viewer to search the channels for a possible emergency message with every test. This potentially disruptive and confusing method requires a full decoder with all receiving, programming, storage and display functions.

1.3 Current Practice of EAS Switching in Small City Hubs.

During an EAS bulletin, it is currently a common practice in remote small city hubs served by a central master cable headend to switch locally inserted cable channels that do not carry EAS to a common EAS channel that does. In this case, an added DTMF tone is sent with the EAS common channel to command the remote EAS switches. This procedure has allowed larger cable systems to provide EAS to small cities where it would have been economically prohibitive if they had purchased individual EAS systems composed of EAS encoder/decoder, receivers, and a text and audio display system for those hubs. The requested Plan A EAS decoder-only solution is patterned upon this practice, but without the addition of DTMF.

1.4 Benefits.

(a) Lower cost EAS. The proposed Plan A method results in a significant EAS cost saving, and it lowers the economic barrier for many small cable systems or low power radio or television stations to participate in EAS.

(b) All-channel audio and video. A viewer benefit is that the on-screen EAS presentation is a professional broadcast television audio and video format on all

channels, rather than the "Plan B" all-channel "blank video" interruption with audio, with EAS audio *and* video on only one channel.

(c) Simpler EAS installation and operation. The Plan A controller requires less equipment and program functions. These multiple functions are already in place at the source channel, as recognized in Paragraph 21 of the Second Report and Order.

(d) Economical upgrade. The proposed Plan A system can be upgraded to full cable EAS or to full EAS decoder-only at any time by replacing the low cost EAS switch monitor with a full EAS encoder/decoder/receivers/display system.

(e) Enables the EAS mission. By permitting the proposed entry-level Plan A EAS system, the infrastructure of EAS can be economically expanded potentially to include thousands of small cable systems and low power stations. This is the intent of the new EAS System.

1.5 Local Voluntary Emergency Services.

The Plan A EAS controller meets the minimum-compliance requirement of National Presidential Level bulletins and monthly and weekly tests as described in Paragraph 7 of the Report and Order. All broadcast stations carry this minimum level service. There is, however, the intent that EAS systems voluntarily inform viewers about life-threatening regional and local emergencies.

Metropolitan broadcast TV stations may not transmit all voluntary EAS or National Weather Service bulletins in EAS format. As EAS practices have matured, however, there is evidence that "Designated EAS Broadcast Stations" recognize the need to transmit life threatening civil and weather bulletins by EAS in their regional service area. The proposed Plan A solution relies on this level of EAS service provided by the television station to be monitored.

In addition, the proposed Plan A solution also provides the option for the local city emergency management authority to economically override all channels by telephone access where required or desired. Research indicates that this can be relatively more important in small or more isolated communities than for larger ones.

1.6 Relationship Between the Cable System and Broadcast Stations.

It is common practice for designated EAS television stations to display their EAS audio and video slide as a common control point for emergency information without station program content or logo. The switch to the generic EAS information slide does not create program conflicts with other stations or channels except in its timing for other broadcast stations. To solve the problem of inserting a cable-originated EAS bulletin over a broadcast station channel where EAS bulletins are delayed, the Commission permits the deletion of cable EAS bulletins from station channels by mutual agreement where technically possible by the cable system.

2.1 Technical Information

The proposed Plan A Solution is based upon an AFSK EAS decoder that performs a limited number of functions outlined in Sections 11.33 and 11.35 of Part 11 – Emergency Alert Systems, April 17, 2000. Some EAS decoder functions are omitted because they are not related to the limited EAS switching service. Some EAS functions are reduced in scope for the same reason. The Solution meets the technical requirements for message validity.

(a) Applicable Emergency Alert System (EAS) documents. Sections applicable to this specification are as follows: (FCC) Subpart A-General, Subpart B - 11.31, Equipment requirements; description of EAS protocol that controller unit must respond to, 11.33 EAS Decoder; paragraph (a) first part of sentence ending with "11.31 comma"; paragraph 8; paragraph 9, all except last sentence; paragraph 10, all except last sentence; paragraph 11, all with exception of second input (controller unit has one common station input), 11(b) and 11(c).

(b) Detect EAS Bulletins. The Decoder detects all of the EAS bulletins transmitted over the audio line of the selected broadcast station. All proposed changes and additions cited in the NPRM FCC 01-88 are included so current or proposed future EAS categories brought on line will be detected for EAS switching.

(c) Input. There is one monitoring input - the common EAS channel that already monitors two or more radio channels.

(d) Message validity. The message validation conforms to paragraph 11.33 (a) (10). A header code must only be considered valid when two of the three headers match exactly.

(e) **Indicators.** A front panel light indicates when a switching event is in progress.

(f) **Program data retention.** The limited decoder program is retained in residence for power on or off modes.

(g) **Reset.** The decoder contains an automatic reset function.

(h) **EAN.** The common EAS channel will be switched on any time an EAN is received. If a local telephone emergency bulletin is in progress, it will be overridden. The EAS broadcast station is in control of the EAS message priorities to be monitored by the Plan A controller.

(i) **Equipment operational readiness.** An electronic switch counter is located on the front panel.

(j) **Optional local telephone emergency override.** An optional FCC-approved telephone interface permits remote access for local city emergency management override. Telephone bulletins will not be recognized, however, before an EAS EOM has been received.

(k) **Digital cable channels.** A switch command is sent to digital cable "force-tune" controllers.

Additional technical information will be made available to the Commission upon request.

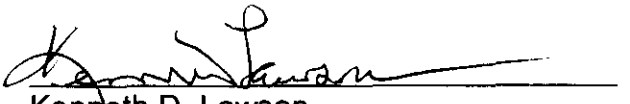
3.1 Critical Timing.

It is possible to meet the October deadline for EAS deadline with the Plan A optional solution if permission is granted within a reasonable time to place such a system in

production. There are no new EAS engineering concepts. Switching modules are standard EAS equipment. But, time is very limited. Cable systems must be able to make an informed decision to place orders for EAS solutions that best meet their technical and economic needs. The need for compliance is understood by the industry, but the options are limited.

We are submitting our Petition after extensive research to solve the practical needs of small cable systems, their viewers including the hard of hearing, and the Commission. We hope that this Petition will assist to expedite EAS compliance in a manner to achieve its objectives and deadline.

Respectfully submitted,



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